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SUMMARY RECORD OF THE 32nd MEETING

<u>Chairman:</u>	Mrs. FLORES	(Uruguay)
later:	Mr. AL-SUWAIDI (Vice-Chairman)	(United Arab Emirates)
later:	Mr. NEUHAUS (Vice-Chairman)	(Australia)
later:	Mrs. FLORES (Chairman)	(Uruguay)

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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 142: UNITED NATIONS DECADE OF INTERNATIONAL LAW (continued)
(A/48/269, A/48/312 and A/48/435; A/C.6/48/L.9)

1. Mr. ARRAD (Bahrain) said that attainment of the goals of the United Nations Decade of International Law should be encouraged as that would help the Organization achieve its objectives in the area of international peace and security. In particular, his country supported the promotion of means and methods for the peaceful settlement of disputes between States, not only because a peaceful approach was the civilized way of responding to international crises but also because it would strengthen the capacity of the United Nations to establish a new international order based on the rule of law. His country also favoured the convening in 1995, using available resources, of a United Nations congress on public international law, which would also help to strengthen the role of international law in global relations.

2. Aware of the need to respect the principles of international law, many countries had acceded to various international instruments, including Bahrain, which was a party to the United Nations Convention on the Law of the Sea, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Vienna Convention for the Protection of the Ozone Layer, the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, among others.

3. His country also attached great importance to the protection of the environment in times of armed conflict, above all with regard to those areas considered as part of a cultural or natural heritage, to which high priority should be granted. It urged countries with experience in that field to offer technical assistance to others, including developing countries.

4. Mr. LWIN (Myanmar) said that his delegation had taken note of the climate of cooperation prevailing worldwide since the end of the cold war and the efforts being made by the international community with regard to the progressive development and codification of international law following the adoption of General Assembly resolution 44/23. The United Nations Decade of International Law had given new impetus to attempts to strengthen the rule of law in international relations and had at the same time increased the willingness of States to respect international law. The United Nations should play an important role in that field and his country welcomed the activities being carried out under that resolution, in particular those designed to strengthen the capacity of the developing countries. It also welcomed the proposal to convene in 1995 a United Nations congress on public international law. In addition to promoting the acceptance of and respect for the principles of international law, the congress would provide an opportunity to assess prospects for the further development and codification of international law.

5. With regard to protection of the environment in times of armed conflict, he noted that the proliferation of weapons of mass destruction represented a growing threat to the environment. Accordingly, it was essential for all States

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(Mr. Lwin, Myanmar)

to comply strictly with existing norms and to accede to the relevant international instruments, including the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. The International Committee of the Red Cross (ICRC) should continue its substantive efforts related to the protection of the environment in times of armed conflict. On the question of preparing guidelines for military manuals, his country considered that an in-depth study of the matter was needed, owing to its technical nature.

6. All States, regardless of their size or level of development, must strictly observe the norms and principles of international law. Aware of that fact, Myanmar was party to various international instruments, including the previously mentioned Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, and was considering the possibility of acceding to others. His country adhered strictly to the principle of peaceful coexistence and maintained friendly relations with all States. It attached great importance to promoting means and methods for the peaceful settlement of disputes between States and was heartened by the increasing use of the International Court of Justice in recent years. However, in its view, conciliation procedures should be instituted with the consent of the parties; it thus opposed the establishment of compulsory dispute settlement procedures, which were not in accordance with Article 33 of the Charter.

7. Mr. KIM Yong (Democratic People's Republic of Korea) said that while the structures of the cold war had collapsed, relics of the old order still remained, among them foreign domination, violations of the norms and principles of international law, inequality and the use of a separate standard for small countries in the application of international instruments. Some States also persisted in trying to impose their ideas and systems on other States, which represented a wanton infringement of national sovereignty. In addition, national and regional conflicts continued to worsen, thereby frustrating the desire of peoples worldwide to live in peace and liberty.

8. The United Nations Decade of International Law thus had an important role to play in promoting fair and equitable international relations. Activities under the Decade should be geared towards strengthening universal adherence to the principles of mutual respect and non-interference in the internal affairs of States, as well as the observance of international law. To that end, priority should be given to eliminating inequalities and ensuring the impartial application of the existing international instruments, beginning with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations.

9. With regard to means and methods for the peaceful settlement of disputes between States, his country reaffirmed its belief that such disputes must be resolved through dialogue and negotiation, based on the principles of mutual respect, equality, non-interference in the internal affairs of States and mutual

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(Mr. Kim Yong, Democratic People's
Republic of Korea)

benefits, which ruled out unilateral solutions or military intervention. The role of the International Court of Justice should also be strengthened.

10. The Democratic People's Republic of Korea had taken note with special interest of the proposals set forth in document A/48/435, which it endorsed, particularly those concerning participation in and the purpose and organization of a United Nations congress on public international law. His country attached special importance to promoting the teaching, study, dissemination and wider appreciation of international law.

11. Mr. BASET (Nepal) said that the United Nations Decade of International Law provided a unique opportunity to promote international peace and security by strengthening international law, in particular by promoting the principle of the peaceful settlement of disputes, which could lead to a new era of general prosperity based on mutual respect. Nepal, which was aware of those possibilities, had consistently supported the objectives of the Decade and had actively participated in efforts to ensure its success. For example, it had supported the progressive development and codification of international law, it attached great importance to respect for human rights, and it actively participated in the work of the Asian-African Legal Consultative Committee.

12. Nepal had participated actively in the Rio Conference and supported its conclusions. Moreover, it was convinced of the vital importance of environmental problems in the world of today. It also endorsed the view of the International Committee of the Red Cross (ICRC) that the general codification of the rules pertaining to environmental protection might not be feasible at the current stage. However, without prejudice to any national and regional measures which might be adopted towards that end, it hoped that it would be possible to clarify and develop the rules relating to the protection of the environment in times of armed conflict and ensure that they were respected, through the conclusion of a treaty establishing an international criminal jurisdiction, the interpretation of the ENMOD Convention and the simultaneous application of the rules of environmental law and humanitarian law. His delegation also hoped that the forthcoming Conference to review the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects would consider the environmental impact of conventional weapons.

13. Lastly, Nepal welcomed the report of the Secretary-General on the possible convening of a United Nations congress on public international law. That congress should not become another forum for a debate on topics traditionally discussed in the context of the Decade. On the contrary, it should be an academic forum to give free flow to an exchange of ideas on the role of international law in international relations.

14. Ms. ISOMURA (Japan) said that her country would continue to contribute to the implementation of the programme of activities for the second term (1993-1994) of the United Nations Decade of International Law.

(Ms. Isomura, Japan)

15. In that connection, it wished to point out that the thirty-third session of the Asian-African Legal Consultative Committee would be held in Tokyo from 17 to 21 January 1994 and that at that session the Committee would discuss the status and treatment of refugees, model legislation on that subject, the follow-up to the World Conference on Human Rights, the legal framework on privatization and other topics of international law. As an original member of the Committee and its largest contributor, Japan was determined to make further contributions to ensure that the Committee functioned as effectively as possible as an organ to provide legal assistance and make recommendations to its participating States.

16. Her delegation joined others in expressing appreciation to ICRC for its excellent work in the preparation of the report on the protection of the environment in times of armed conflict (A/48/269). That issue should be properly addressed, particularly at a time when the number of regional conflicts was rapidly increasing. Emphasis should be placed on ensuring compliance with and the dissemination of the existing rules of international law rather than on the codification of new rules to protect the environment in times of armed conflict. As ICRC had pointed out, there might be a need to clarify and develop more specific rules. As for the questions which should be considered by the Sixth Committee, she hoped that priority would be given to the dissemination of provisions designed to protect the environment in times of armed conflict. With the end of the cold war, greater attention should be paid to the question of protecting the environment in times of non-international armed conflict, although it should be pointed out that there was often no clear distinction between international conflicts and non-international conflicts. In view of the specialized nature of the subject, substantive work should continue on the various aspects of the question within the framework of ICRC. Her delegation also welcomed the guidelines for military manuals and instructions on the protection of the environment in times of armed conflict annexed to the report.

17. The report of the Secretary-General on a preliminary operational plan for a possible United Nations congress on public international law was extremely useful as a guide to the discussion. The chief purpose of the congress should be the dissemination of public international law through a free exchange of views among the various participants. To that end, it was desirable that the congress should hold informal meetings and that its aim should not be to produce a declaration or any other kind of formal or binding document. Moreover, her delegation supported the idea that the congress should be convened in such a way as to ensure the maximum possible participation with the minimal cost. It might therefore be advisable to convene it during the regular session of the General Assembly in 1995. If that was not possible, it could be held immediately after the end of the second week of the session of the Special Committee on the Charter in 1995. The congress should be financed out of available resources and voluntary contributions.

18. Ms. LEHTO (Finland), speaking on behalf of the Nordic countries, reiterated what those countries had stated in their reply to the Secretary-General on the activities of the second term (1993-1994) of the United Nations Decade of International Law, namely, that the emergence of new patterns of cooperation among States as a result of the end of the cold war had led to increased general

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(Ms. Lehto, Finland)

interest in international law and created a more favourable atmosphere for its progressive development.

19. The growing interest in international law concerned a wide spectrum of issues: the peaceful settlement of disputes, traditional and new legal aspects of peace-keeping operations, peacemaking and peace enforcement, the legal aspects of the application of Chapters VI and VII of the Charter of the United Nations, the various proposals set out in the report of the Secretary-General entitled "An Agenda for Peace", international environmental law, international humanitarian law, international human rights law and international law relating to development. At the same time, there had been a certain willingness to examine the effects of the political transformations of recent years on the traditional concept of international law.

20. The growing interest in international law was evident in the increased importance of non-governmental organizations and institutions in various international forums. At the national level, non-governmental organizations had traditionally served as watchdogs with respect to the application of human rights or environmental standards and had thus encouraged respect for those standards. The participation of non-governmental organizations in the preparation of international legal instruments was a new and welcome phenomenon. There were also other areas, such as humanitarian law, human rights and the protection of minorities, where non-governmental organizations could make a substantial contribution. The tragic events in the former Yugoslavia and in Somalia had demonstrated the need to consider the status of the various humanitarian organizations in order to ensure that they could continue their activities in increasingly difficult circumstances. Indeed, one item on the current agenda testified to the need for legal measures in that field.

21. The Nordic countries welcomed the recognition by the international community of the need to focus attention on the question of the protection of the environment in times of armed conflict. It therefore welcomed the suggestions made by ICRC in the report. It was of the greatest importance that ICRC should continue to follow developments in that area and that the question should be regarded as an essential part of the future work to be done in the context of the United Nations Decade of International Law. The Nordic countries therefore hoped that ICRC would examine not only issues relating to the guidelines for military manuals but also questions relating to the need for the development and strengthening of the existing legal provisions in that area.

22. In the view of the Nordic countries, the focus of the activities of the United Nations Decade of International Law should be on the national level. That did not exclude specific international activities, provided that they were carefully organized and geared to tangible results. In that connection, the Nordic countries noted with appreciation the deliberations of the Working Group on the Decade relating to the holding of a United Nations congress on public international law, which would be a fitting way of commemorating the fiftieth anniversary of the United Nations. They agreed with the proposal contained in the report of the Working Group concerning the participation of non-governmental representatives in such a Congress. The broadest possible participation should

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be sought and, consequently, attendance should not be limited to officials from legal departments of Ministries of Foreign Affairs but should be open to the representatives of academic institutions and non-governmental organizations, since the participants should reflect the various approaches to international law. It followed that the congress should consist of informal discussions, and its purpose should not be the adoption of a formal document. The congress should concentrate on specific and well-defined topics and seek to make specific proposals for the further development of international law in particular fields. The topics could be chosen from among the proposals made by States and international organizations in connection with the Decade. Among those topics, the Nordic countries stressed the importance of the role of the International Court of Justice in the peaceful settlement of disputes. In that connection, the settlement of environmental disputes was of particular importance.

23. One of the objectives of the United Nations Decade of International Law was to promote acceptance of and respect for international law. The role of legal departments of Ministries of Foreign Affairs was of the utmost importance in that regard, both as coordinators of national activities in connection with the Decade and as legal advisers in the foreign policy decision-making process. Even more important than general education in international law at the national level was how the State itself respected international law in the making of its foreign policy. International cooperation involving legal departments, whether in the context of the United Nations or at the regional level, provided important support to the practitioners of international law and helped to clarify the role of legal advisers in the foreign policy formulation process.

24. The Nordic countries wished to stress the unity of treaties. They therefore urged States to consider the possibility of withdrawing their reservations to international conventions. It was regrettable that there were States which had made sweeping reservations to important human rights conventions. In some cases, the reservations were contrary to the object and purpose of the convention in question. Such a practice tended to undermine the credibility of international law and, in that connection, she noted the wide support which existed for the proposal by the International Law Commission to include the question of reservations to treaties in its programme of work.

25. Important projects were under way in connection with the United Nations Decade of International Law, including work by the Secretary-General on a solution to the problems in Part XI of the United Nations Convention on the Law of the Sea and the work of the Sixth Committee on State responsibility and the establishment of a permanent international criminal court. Success in those endeavours would also further the objectives of the Decade. Lastly, attention should be drawn to the work initiated within the Permanent Court of Arbitration, which had recently been granted observer status with the United Nations General Assembly, for the revitalization of the Court on the occasion of its centenary in 1999.

26. Mr. KORZACHENKO (Ukraine) said that the major transformations that were occurring throughout the world had changed the general attitude towards international law. The end of the cold war should be reinforced by placing

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(Mr. Korzachenko, Ukraine)

international relations on a sound legal foundation, which required the creation of an international climate characterized by full respect for the sovereignty, territorial integrity and the equality of States. Imperialist attitudes and the use of pressure and blackmail by some States against others had recently become a thing of the past, and, as a result, the newly independent States were able to participate in all the activities of the international community and carry out the tasks expected of them.

27. Ukraine had embarked upon an effort to bring its laws into line with the democratic principles which governed the life of its people. Noteworthy in that connection was the accession by Ukraine to the Vienna Conventions on the Succession of States of 1978 and 1983, the Convention on Special Missions, the Convention on the Limitation Period in the International Sale of Goods, and the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. In addition, Ukraine had acceded to a number of conventions of the International Labour Organization (ILO) and was taking steps to join the Council of Europe. It had concluded agreements on a bilateral basis and within the framework of the Commonwealth of Independent States. International conventions ratified by Ukraine became part of its domestic law pursuant to legislation enacted in 1991.

28. With respect to the objective of the United Nations Decade of International Law to promote the teaching, study, dissemination and wider appreciation of international law, it should be pointed out that the number of foreign students studying at universities in Ukraine had increased since the country had gained its independence.

29. With regard to the objective of promoting means of peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, Ukraine attached great importance to the settlement of disputes over environmental conventions and agreements. In that connection, it should be recalled that the Chernobyl disaster had occurred in Ukrainian territory. For that reason his Government attached special importance to environmental protection, which it considered to be a basic human right. He thanked the International Committee of the Red Cross (ICRC) for the work it had done on the issue of protection of the environment in times of conflict, and, in particular for its publication of guidelines for military manuals and training programmes.

30. His delegation welcomed the proposal to convene a United Nations congress on public international law. The proposed congress, at which the main legal systems in the world should be represented, could be held in 1995, which would allow enough time to make the necessary preparations. The holding of the congress in the same year as the fiftieth anniversary of the United Nations would be highly symbolic.

31. The proposed congress should deal with a number of issues of current concern, such as the legal aspects of the dissolution of States or the existence of States as part of a federation; the territorial integrity of States and the inviolability of their frontiers; the situation of newly independent States and

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(Mr. Korzachenko, Ukraine)

regional guarantees for their sovereignty; and priority aspects of international law with regard to ecological security, especially in the light of the Chernobyl disaster. The congress would provide a major impetus to international law, which should govern relations in a civilized world.

32. Mrs. GIRTEL (Canada) said that Canada recognized the principle of the supremacy of the rule of law, which was written into its Constitution, and, accordingly, supported the idea of the United Nations Decade of International Law and its purpose of developing and promoting international law. It believed that the best contribution Member States could make to the Decade was to ensure not only that international law was created, but also that its principles were implemented, disseminated and adhered to.

33. The protection of the environment in times of armed conflict was one area in which there was a need for the dissemination, understanding and wider appreciation of the principles of international law. After millions of litres of crude oil had been discharged into the Persian Gulf and oil wells had been set on fire, the international community had mobilized, through the General Assembly and the Committee, to outlaw the use of the environment as a weapon of war and to prevent a repetition of such events. Her own Government had decided to convene a conference of experts on the subject in 1991 and the International Committee of the Red Cross (ICRC) had established a group of experts to study the issue. The Secretary-General had submitted a first report on the subject to the General Assembly, at its forty-seventh session, along with an interim report from ICRC in which ICRC had indicated its willingness to prepare guidelines for military manuals and instructions on the protection of the environment in times of armed conflict.

34. ICRC had now produced its final report on the subject, and her delegation expressed its appreciation and support for the work of the group of experts. Her delegation supported the proposals that Member States should review the guidelines that had been prepared and transmit their comments to the Secretary-General so that ICRC could redraft the guidelines in the light of those comments. It also supported the offers of the Swiss Government and ICRC to convene conferences of government experts to consider the revised guidelines with a view to submitting them to the General Assembly at an early date. In that connection, she referred to the final declaration adopted by the Conference on the protection of victims of war, held in Geneva on 1 September 1993, which urged reaffirmation of respect for the rules of international law protecting the natural environment.

35. Canada supported the proposal to convene a congress on public international law since it felt that such a congress would enable Member States to exchange views on the achievements made in the area of public international law under the auspices of the United Nations and would offer jurists from around the world an opportunity to share their visions of new legal ideas and concepts that would assist the international community in entering the new millennium under the supremacy of the rule of law.

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36. Mr. SIDI-ABED (Algeria) said that the measures for the protection of the environment in times of armed conflict were increasingly important to the international community and should be based on the broad participation of States in the relevant instruments and on promotion of and respect for the obligations established by those instruments. That did not mean that there was an urgent need to codify those principles; his delegation agreed with ICRC that the law in force already offered adequate protection to the environment, and that the main problem lay in its implementation.

37. His delegation welcomed the draft guidelines for military manuals and instructions on the protection of the environment in times of armed conflict prepared by ICRC and believed that Governments should carefully review the guidelines and transmit their technical comments to the Secretary-General so that he, in turn, could communicate them to ICRC. However, the other proposals contained in paragraph 110 of the report of the Secretary-General (A/48/269), should be considered in more detail, and sufficient time would have to be allowed to enable all States to participate constructively in their consideration.

38. With regard to the proposal to convene a United Nations congress on public international law, Algeria was in favour of holding it in 1995. The Secretariat, in broad consultation with delegations, should ensure effective representation of the various legal systems and equitable geographical distribution.

39. Lastly, his delegation reaffirmed its commitment to the achievement of the objectives that the international community had established in the programme for the activities to be commenced during the second term of the Decade, involving promotion of international law, encouragement of cooperation and promotion of the acceptance of just international law, established by all States.

40. Mr. Al-Suwaidi (United Arab Emirates) took the Chair.

41. Mr. PANTIRU (Republic of Moldova) said that the Republic of Moldova supported the main objectives of the United Nations Decade of International Law and would contribute to their implementation.

42. On the question of the promotion of means and methods for the peaceful settlement of disputes between States, he noted that various historical and frontier, ethnic and religious, political, and economic, social and spiritual factors had generated conflicts with grave consequences, which could lead to the outbreak of new violent confrontations, thereby endangering international peace and security. Through the peaceful settlement of conflicts, the United Nations and other international organizations such as the Conference on Security and Cooperation in Europe, the North Atlantic Treaty Organization and the European Union could make a crucial contribution to stopping that unfavourable evolution of events. The role of the United Nations in that respect was decisive, but in order to play that role, the United Nations would need to undergo a profound reorganization and careful reassessment of its means. The report of the Secretary-General entitled "An Agenda for Peace" constituted a reference document in that respect and the debates on the subject could contribute to the

(Mr. Pantiru, Republic of Moldova)

strengthening of the principle of the peaceful settlement of disputes, in accordance with the objectives of the Decade. For the purposes of the genuine implementation of that principle, some considerations of a legal nature needed to be borne in mind. First, the nature of any dispute or conflict should be clearly defined, since a political conflict should not be confused with an inter-ethnic conflict. Second, the presence of foreign military forces in the territory of another State was a source of insecurity and instability since it constituted a violation of the sovereignty of independent countries and represented a major obstacle to the peaceful settlement of any conflict. Lastly, it should be borne in mind that the United Nations and the Conference on Security and Cooperation in Europe had many possibilities for solving regional conflicts by peaceful means because of their impartiality; all international bodies should engage in concerted action so as to make a valuable contribution to international peace and security.

43. In connection with another aspect of the Decade, encouragement of the teaching, study, dissemination and wider appreciation of international law, his delegation supported the proposal that States should encourage their educational institutions to introduce courses in international law and international economic relations at the graduate and postgraduate levels. The Republic of Moldova, for its part, had included a course on public international law in the curriculum of the law faculty of the Moldovan State University and many graduate students were carrying out research activities and preparing theses on various aspects of international law such as European integration, the protection of human rights in the contemporary world and the activities undertaken by UNCITRAL, in particular in the newly independent States. His delegation also welcomed the plans of the Secretariat to organize national seminars in 1993 in certain countries, including the Republic of Moldova, and reiterated the interest of Moldova in fellowships and courses available for young legal officers to enable them to deepen their knowledge of international law.

44. In conclusion, the Republic of Moldova reaffirmed its interest in taking part in the United Nations Congress on public international law scheduled for 1995 since it believed that the congress would provide a unique opportunity to promote the cause of peace and the supremacy of the rule of law.

45. Mr. NASIER (Indonesia) said that the Conference of Ministers for Foreign Affairs of Non-aligned Countries held in June 1989 had requested the United Nations General Assembly to declare the period 1990-1999 the United Nations Decade of International Law, as a way of developing international law. Indonesia, which had promoted and hosted the historic Asian-African Conference of Bandung, had always supported the rule of law in international relations and the development of relations of friendship and mutual cooperation among all nations of the world based on respect for sovereignty, territorial integrity and the principle of non-interference. Indonesia was actively seeking to contribute to international cooperation in the promotion and observance of international law, through the United Nations and its specialized agencies and through non-governmental organizations. His country was one of those which had advocated the archipelagic State concept later included in the United Nations Convention on the Law of the Sea. The Convention had been the result of the

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(Mr. Nasier, Indonesia)

efforts of the international community, and Indonesia viewed the recent sixtieth ratification of the instrument as a major accomplishment in the development of the international law of the sea, since it enabled the Convention to enter into force within one year. Both developed and developing countries should continue to participate and cooperate actively in consolidating the legal principles in that field. On the occasion of the Decade, they should promote the principle of the peaceful settlement of disputes, using all the means stipulated in Article 33, paragraph 1, of the United Nations Charter.

46. The need to disseminate and clarify the existing rules on the protection of the environment in times of armed conflict had been reflected in the Committee's discussions and in the Rio Declaration of 1992, which referred explicitly to the environmental problems posed by wars and the destructive effect of armed conflicts on sustained development. Member States should adhere to and respect the relevant rules of international law and promote their further development.

47. Indonesia supported a decision to convene a congress on public international law in 1995, focusing particularly on the teaching, study, dissemination and wider appreciation of public international law, which should be open to all institutions, academics, government officials and legal practitioners representing the major legal systems in order to ensure the best possible results. As it had been noted at the latest Summit Conference of Heads of State or Government of Non-Aligned Countries held in Jakarta, respect for international law was the foundation of peace and security and was particularly important in transforming relations between nations and establishing a new world balance based on the codification and progressive development of international law.

48. Mr. LISWANISO (Namibia) said that the United Nations Decade of International Law provided an opportunity to promote the cause of international peace and security by strengthening the supremacy of the rule of law and increasing the willingness of Member States to abide by the norms of international law. His delegation believed that the programme of activities in observance of the Decade would allow States to reassess their cooperation in the maintenance of international peace and security, especially with regard to the peaceful settlement of disputes.

49. In that respect, Namibia had set itself the following foreign policy goals: (a) to adopt and maintain the policy of non-alignment; (b) to promote international cooperation, peace and security; (c) to create just and mutually beneficial relations among nations; (d) to foster respect for international law and treaty obligations; and (e) to encourage the settlement of international disputes by peaceful means.

50. While it must be acknowledged that his country had not yet established mechanisms to implement the Decade programme, it should be noted that it was due to a lack of manpower. As all were aware, Namibia had inherited a discriminatory legal system whose revision was now his Government's priority. However, the Government was preparing a firm foundation for the teaching of

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international law and doing everything possible to promote the acceptance of and respect for the principles of international law, particularly with regard to the settlement of international disputes by peaceful means, as evidenced by the means it had chosen to settle the Walvis Bay issue.

51. The report of the Secretary-General on the Decade (A/48/312) was very comprehensive and contained useful suggestions on the implementation of the programme of activities. With respect to the promotion of the acceptance of and respect for the principles of international law, article 144 of the Constitution of Namibia stipulated that general rules of public international law and international agreements and treaties binding upon Namibia automatically form part of the laws of Namibia. Namibia had gained its independence only three years earlier, it was already a party to an appreciable number of multilateral treaties relevant to the progressive development of international law, among them the African Charter on Human and People's Rights, the Convention on the Rights of the Child, the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the Geneva Conventions of 1949 and their additional protocols and the Vienna Convention for the Protection of the Ozone Layer.

52. With regard to the progressive development of international law, his delegation shared the view that international environmental law in particular required such development. The Namibian Constitution specifically provided for the maintenance of ecosystems, essential ecological processes and biological diversity of Namibia and the utilization of living natural resources on a sustainable basis for the benefit of all Namibians, both now and in the future.

53. Concerning the promotion of means and methods for the peaceful settlement of disputes between States, both the Charter of the United Nations and the Manila Declaration on the Peaceful Settlement of International Disputes of 1982 made clear provision for settlement mechanisms, but such mechanisms were of no value unless States demonstrated the political will to use them. His delegation therefore applauded the Secretary-General's suggestions in his "An Agenda for Peace" and his report A/48/312 on the peaceful settlement of disputes, including resort to and full respect for the International Court of Justice. It also supported the proposal for establishing a trust fund to assist States, especially the developing countries, unable to afford the costs involved in bringing a dispute to the International Court.

54. Namibia favoured convening, as part of the Decade, a United Nations congress on public international law. It should be held at Headquarters in New York, probably in 1995, immediately after the second week of the session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. However, in order to ensure full participation in the congress, developing countries, especially those in Africa, must be given financial assistance to enable them to attend.

55. Mr. Neuhaus (Australia) took the Chair.

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56. Mrs. KUPCHYNA (Belarus) said that commendable work had been done by the Working Group on the United Nations Decade of International Law and valuable information provided by the International Committee of the Red Cross (ICRC) regarding the protection of the environment in times of armed conflict.

57. Belarus had always supported the objectives of the Decade as established in General Assembly resolution 44/23 and, at the national level, had carried out important activities in pursuit of those objectives. In that connection, it had become a party to many multilateral treaties. In some cases it had done so as a successor State, as, for example, in the case of the Convention on the Physical Protection of Nuclear Material and the Convention Establishing the World Intellectual Property Organization.

58. Her delegation supported the holding, within the framework of the Decade, of a United Nations Congress on Public International Law, and approved the general theme and five sub-themes described in the Working Group's report (A/C.6/48/L.9). At the same time, it trusted that the Congress could also examine the questions mentioned by the Ukrainian delegation, including the theoretical and practical aspects of succession deriving from the breakup of federal States and international law, and the priorities with respect to environmental safety in the light of the Chernobyl disaster. It shared the view of other delegations that the work of the Congress should not lead to the approval of a binding legal instrument. In organizing it, an effort should be made to achieve equitable representation of all regions and all legal systems. In order to ensure the Conference's success, representatives of non-governmental organizations and experts on the subject should also participate. Her delegation shared the view that the Congress should be organized within existing resources and with the help of voluntary contributions. It also supported the idea that it should be held at United Nations Headquarters in New York, immediately after the second week of the 1995 session of the Special Committee on the Charter of the United Nations and on the strengthening of the Organization.

59. Belarus' concern with environmental problems had increased considerably after the Chernobyl disaster, apart from its origin. It was encouraging to note that practically all delegations now recognized the importance of the protection of the environment in times of armed conflict. In that connection, her delegation agreed with the ICRC that it would not be wise to undertake a general codification of the subject at the present time and that it would be preferable to promote stricter observance and greater dissemination of the existing rules.

60. As a party to the Geneva Conventions of 1949 and their Additional Protocols, Belarus appealed to the States which had not done so to accede to those instruments and make the special declaration needed to recognize the competence of the International Commission of Inquiry referred to in article 90 of Protocol I. There was still a great deal of scope for improvement and development of the rules of international law relating to the protection of the environment in times of armed conflict. The ICRC's contribution to that work would be important. Her delegation welcomed the draft guidelines for military manuals and instructions prepared by the ICRC in consultation with experts.

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(Ms. Kupchyna, Belarus)

That draft should be transmitted to Governments for comment and the ICRC's final draft submitted to the Sixth Committee for consideration.

61. The Committee should also take up the questions referred to in paragraph 110 of the Secretary-General's report on the question (A/48/269), and the role of the ICRC in that connection.

62. Questions relating to the protection of the environment in times of armed conflict were an essential element of humanitarian law. Her delegation shared the view that the Sixth Committee should also take up the broader question of international protection of victims of war.

63. Mrs. Flores (Uruguay) took the Chair.

64. Mr. MIRZAEI YENGEJEH (Islamic Republic of Iran) said that his delegation was pleased at the successful results achieved by the Working Group on the United Nations Decade of International Law. The United Nations Congress on Public International Law, which the Working Group had decided by consensus should be held within the programme of activities of the United Nations Decade of International Law, had been proposed by the Islamic Republic of Iran and Mexico, in separate notes, in 1992. His delegation agreed with the formulation on the programme of the Congress and that it should be held in 1995, which was the fiftieth anniversary of the United Nations. With respect to organizational questions, it had four suggestions: that wide publicity should be given to the Congress; that due attention should be given to equitable geographical distribution and that speakers who represented the major legal systems should be selected; that missions in New York should be consulted and kept informed about the progress of all preparatory activities, and that the possibility of publishing lectures by prominent lawyers without extra burden on the United Nations budget should be studied.

65. The Congress on Public International Law would undoubtedly be a unique event intended to promote the objectives of the Decade in order to strengthen the rule of law in relations among nations which was an essential factor in the preservation of world peace and security. Therefore, the cooperation and contributions of all States were important. The Islamic Republic of Iran would take part in organizing the Congress and make a contribution, the amount of which would be determined at a later date, to the trust fund to be established for that purpose.

66. Turning to the protection of the environment in times of armed conflict, he praised the high quality of the Secretary-General's report on the subject. However, it must be emphasized that the existing rules of international law on the subject emanating from treaty obligations were binding only on the parties to such instruments. His delegation agreed with the recommendation of the ICRC that no codification of the rules protecting the environment in times of armed conflict should be undertaken at the present stage and that emphasis should instead be placed on wide participation, increased compliance with and dissemination of those rules.

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(Mr. Mirzaee Yengejeh, Islamic Republic
of Iran)

67. His delegation also supported the suggestion by the Working Group that the draft guidelines for military manual and instructions on the protection of the environment in times of armed conflict prepared by ICRC in consultation with experts should be circulated to Governments so that they could provide the ICRC with their comments.

68. Mr. AREVALO (Chile), speaking on behalf of the Latin American countries of the Rio Group said that the United Nations Decade of International Law had made it possible to promote and revitalize the role of international law, generating activities at the national and international level. In that context, the countries of the Rio Group attached special importance to the proposal to convene a United Nations Congress on Public International Law as the present historical moment favoured a meeting of that kind. It was now possible to reflect, without the hindrances of the recent past, on new priorities and offer a new vision of existing norms and institutions. International law should take its indispensable place in the organization of future international relations, contributing to it its own values, such as justice, equity and social order.

69. To accomplish that, questions such as the machinery for promoting democracy in international relations, the promotion and effective protection of human rights, the way to give content to the principles of sustainable development, the regulation of international trade and the principles which should govern cooperation between States should occupy, among others, a central place in the legal activities of the international community. The Congress could lay the groundwork for future legal developments within that general framework.

70. However, it was necessary to be realistic. The effects desired would not be achieved by the meeting alone, but would require further stages and further commitments to bring the initiatives of the Congress into effect. The countries of the Rio Group firmly supported efforts to disseminate the contents of the Congress in academic and governmental circles as well as among legal practitioners. They also supported the listing of the main themes to be considered and analysed at the Congress contained in document A/C.6/48/L.9 and attached particular importance to the following: the peaceful settlement of disputes; research, education and training of international law and its wider appreciation; and the challenges facing international law in the near future.

71. They welcomed the role assigned to the Secretariat's Office of Legal Affairs in the organization of the Congress and supported the proposal that the meeting should be not merely a governmental one but include the participation of academics and legal practitioners in order to facilitate a fruitful discussion.

72. Mr. CASTELLI (Argentina) endorsed the remarks made by the representative of Chile on behalf of the Latin American countries of the Rio Group and then outlined some of the activities carried out by Argentina in the context of the United Nations Decade of International Law, noting that in the past year Argentina had established a national committee for follow-up to the Decade with a view to playing an active part in its commemoration. The Committee, which consisted of eminent persons from academic circles and the legislative and

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(Mr. Castelli, Argentina)

judicial branches of government, had met for the first time on 26 March 1993 under the chairmanship of the Legal Adviser of the Ministry of Foreign Affairs. To date, the Committee had held three meetings and the following activities, inter alia, had been undertaken under its auspices: work had begun on a compendium of the means and methods for the settlement of disputes set out in the most recent agreements signed by Argentina; a seminar on international trade law, organized with the help of the United Nations Commission on International Trade Law, had been held; work had begun on a programme for the establishment of a computer register of treaties to which Argentina was party; and national day-long observances on the theme "Developing countries and international environmental legislation" had been organized. In addition, a number of study groups consisting of colleagues from the international public and private law departments of various Argentine universities had begun to meet. All the foregoing clearly demonstrated Argentina's commitment to the Decade of International Law.

73. Mr. MOHAMMED (Ethiopia) said that the proclamation of the United Nations Decade of International Law by the General Assembly at its forty-fourth session was a landmark in the promotion of the role of international law in international relations. The debate in the Sixth Committee had revealed that many States had taken important steps to implement the programme for the Decade. In particular, it was encouraging to note that a record number of States had become parties to various multilateral treaties, thereby facilitating the entry into force of a number of important agreements.

74. In Ethiopia, respect for the norms and principles of international law had found unequivocal expression in the basic law of the land, the Charter of the Transitional Period, which incorporated the Universal Declaration of Human Rights with a view to ensuring effective legal protection of human rights and fundamental freedoms. In the past two years, Ethiopia had become party to various important multilateral treaties such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Protocols Additional to the Geneva Conventions of 1949, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and the 1989 Convention on the Rights of the Child, which clearly demonstrated the Ethiopian Government's commitment to promoting acceptance of the principles of international law.

75. As important as it was to encourage States to become parties to existing treaties, it was equally important to ensure and facilitate their full participation in the process of multilateral treaty-making. The participation and representation of the various legal systems in that process undoubtedly contributed to the wide acceptance and early entry into force of such instruments. In that connection, his delegation wished to stress the need to provide assistance and technical advice to States, and particularly to developing countries, in that area. While the generosity and efforts of some States and international organizations were to be commended, much remained to be done to achieve the goals of the Decade in that area. His delegation therefore

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(Mr. Mohammed, Ethiopia)

hoped that attention would be given to that important aspect of the Decade programme.

76. One of the main objectives of the Decade was the promotion of means and methods for the peaceful settlement of disputes between States. While emphasizing the sovereign right of every State to choose the means and methods for the peaceful settlement of disputes to which it was a party, he also stressed the importance and complementary role of global and regional approaches in resolving disputes. Recent events around the world had demonstrated that cooperation between the United Nations and regional organizations was an essential element of an effective peaceful settlement. Without prejudice to the primary responsibility of the United Nations for the maintenance of international peace and security, the potential and relative advantages of regional arrangements and approaches must also be fully explored and utilized. In that connection, he wished to recall that the twenty-ninth session of the Assembly of Heads of State and Government of the Organization of African Unity (OAU), held at Cairo from 28 to 30 June 1993, a mechanism for preventing, managing and resolving conflicts in Africa had been established. Paragraph 25 of the declaration on the establishment of that mechanism stipulated that, where necessary, recourse would be had to the United Nations to provide the necessary support for OAU activities in conflict prevention, management and resolution in Africa, in keeping with the provisions of Chapter VIII of the Charter of the United Nations. In his view, those arrangements in Africa would contribute to the success of the Decade programme relating to the peaceful settlement of disputes between States.

77. Lastly, he expressed his delegation's support for the proposal to hold a United Nations congress on public international law in 1995, which would make an important contribution to the success of the United Nations Decade of International Law.

78. Mr. NEUHAUS (Australia) said that his country was one of those that had submitted information to the Secretary-General on activities undertaken as part of the United Nations Decade of International Law. Australia had taken its responsibility to support the Decade very seriously and exhorted States to seize the opportunity provided by the Decade to promote international law at the national and international levels. In its statement on the report of the International Court of Justice, his delegation had noted that the Decade provided an appropriate context for States to reassess their acceptance of the Court's jurisdiction. He recalled in that connection the Secretary-General's invitation to all Member States in his report entitled "An Agenda for Peace" to accept the general jurisdiction of the Court in accordance with Article 36 of its Statute.

79. As the principal judicial organ of the United Nations, the International Court of Justice was the most appropriate forum for the peaceful settlement of legal disputes under Article 36 of the Charter; it was not, however, the sole mechanism for peaceful settlements available. The Permanent Court of Arbitration could serve as a valuable complement to the International Court of Justice. At the meeting of members of the Permanent Court of Arbitration held

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(Mr. Neuhaus, Australia)

in September 1993, a resolution had been adopted which recommended that States parties to the conventions establishing that body should consider turning to it when they could not settle their disputes by other means. It was possible that, owing to its flexibility, the Permanent Court of Arbitration was of greater value in the peaceful settlement of disputes in cases in which political considerations were the determining factors.

80. The progress made during the current year by the International Law Commission in 1993 towards the establishment of an international criminal court was an encouraging sign of a broadening commitment on the part of the international community to the objectives of the United Nations Decade of International Law. His delegation welcomed the elaboration of a draft statute for such a court.

81. His delegation looked forward to the Sixth Committee's adoption by consensus of the draft resolution on the Decade. The resolution for the forty-eighth session would highlight two important areas that had been the focus of the Committee's discussions, namely the congress of international public law and protection of the environment in times of armed conflict, issues on which important progress had been made.

82. Mr. AL-SUWAIDI (United Arab Emirates) said that the progress made in connection with the United Nations Decade of International Law had demonstrated that the inclusion of that item on the agenda was essential to promotion of acceptance of and respect for the principles of international law, particularly in light of the changes that had occurred in the world. The report of the Secretary-General concerning the Decade outlined the activities carried out by States with a view to implementing the programme of the Decade, which was a very encouraging point of departure for the implementation of the four main goals of the Decade.

83. The United Arab Emirates reaffirmed the need, during the Decade, to promote and enhance the role of international law within member States; the latter, in turn, had an obligation to adapt it to international changes. Those changes called for thorough review of the role of international law in relations between States with a view to the establishment of international peace and security. That, in turn, involved peaceful settlement of disputes and conflicts in accordance with the principles of international law and without resort to the use of force. That was the second main goal of the Decade, namely, to promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice. He underscored the important role played in that connection by the International Court of Justice which was a key instrument for the maintenance of international peace and security.

84. With regard to the third goal of the Decade, namely, progressive development of international law and its codification, the United Arab Emirates supported the efforts made to that end, particularly the work of the International Law Commission and other bodies. It also endorsed the legal principles established for the protection of the environment and human rights

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(Mr. Al-Suwaidi, United Arab Emirates)

and welcomed the results of the United Nations Conference on Environment and Development. Finally, it commended the International Law Commission on its work in the area of the peaceful non-navigational uses of international watercourses.

85. With regard to the fourth goal of the Decade, namely, encouragement of the teaching, study, dissemination and wider appreciation of international law, his delegation supported the United Nations programme in that area and urged intergovernmental and non-governmental organizations to implement the programme. In the United Arab Emirates, international law was a required subject in the study of law and political science as well as in specialized courses and general cultural activities.

86. Finally, he supported the convening of a United Nations congress on public international law and the recommendation of the working group that it be held in 1995. He had carefully read the report and recommendations of the working group and thanked it for its work.

87. Mr. SANDOZ (Observer, International Committee of the Red Cross) said that the mandate of the International Committee of the Red Cross (ICRC) was to monitor the implementation of international humanitarian law which was an integral part of international law. One of the main goals of the United Nations Decade of International Law should be not only to prevent conflicts but also to alleviate the suffering of the victims. Nevertheless, humanitarian law was often flouted and, given the scale of the horrors of armed conflict, the convening of the International Conference for the Protection of War Victims, which had been held in Geneva from 30 August to 1 September 1993 had been very timely. The Conference had been attended by many high-level representatives, including the Secretary-General of the United Nations; their presence and the positive repercussions of the Conference demonstrated that the international community was not prepared to accept the current situation as inevitable and that it planned to react so as to ensure that respect for humanitarian law was one of the mainstays of an international order founded upon the rule of law.

88. The Conference had considered a number of issues, including the universal acceptance of international humanitarian law and the need to encourage States to become party to the Additional Protocols of 1977, the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons and other treaties relating to international humanitarian law or to accede to those instruments. ICRC would also like those States which had made reservations to those instruments to reconsider their position, since the existence of divergent rules on the subject set the stage for misunderstandings and violations.

89. Secondly, the Conference had discussed the issue of encouraging the teaching, dissemination and promotion of international humanitarian law. In order for it to be respected, international humanitarian law must be known; accordingly, instruction must be promoted by all means, particularly within the armed forces; indeed, the principles of international humanitarian law must form an integral part of military drill and training. At a time when United Nations peace-keeping forces were being called upon to play an ever greater role, it was appropriate to point out that international humanitarian law must be respected

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(Mr. Sandoz)

whenever force was used. The agreements with States supplying peace-keeping contingents contained provisions calling for compliance with that law and ICRC supported all efforts to incorporate the basic rules of humanitarian law into military training.

90. ICRC believed, thirdly, that better use must be made of the many procedures that existed for the implementation of international humanitarian law. A major role should be played by the International Fact-finding Commission provided for in article 90 of Additional Protocol I; as yet it had not been consulted. Moreover, under article 1 which was common to the four Geneva Conventions, all Contracting Parties were bound to respect and ensure respect for international humanitarian law; that obligation did not allow for a passive stance in the face of grave or massive violations of international humanitarian law. Accordingly it was essential to continue the search for ways of enhancing the implementation of international humanitarian law; the group of experts to be convened by the Swiss Government pursuant to the Geneva Conference would have an important role to play in that connection.

91. Fourthly, within the context of the progressive development of international humanitarian law, ICRC believed that while implementation of existing law was a priority, it was also important to engage in or encourage work to adapt certain aspects of the law to current realities. Such work included, in particular, the meetings of experts on the law of armed conflict at sea, which had started in 1988 under the auspices of the International Institute of Humanitarian Law in San Remo; the meetings of experts to examine the use of conventional weapons which might be deemed to be excessively injurious or to have indiscriminate effects, in particular the issue of weapons that blinded and the use of mines and, lastly, work on the protection of the environment during armed conflict, to which reference had already been made.

92. In conclusion, he said that everyone had a duty, vis-à-vis the victims of armed conflicts, to take the obligations under international humanitarian law seriously and that ICRC was prepared to do its utmost to help States and the international community as a whole to strengthen the authority of international humanitarian law.

93. Mr. CHAVEZ (Kyrgyzstan) said that his country remained true to the great tradition of international law, starting from the lessons of Andres Bello, the foremost Latin American scholar on the subject. It therefore supported any initiatives to strengthen, develop and implement international law, and above all the teaching thereof. It also supported the various proposals made in the Committee, especially those made by the representatives of Japan and Finland, and welcomed the participation of the Observer for the Permanent Court of Arbitration. In particular, it fully supported the initiatives just presented by the Observer for ICRC and those made at the previous meeting by the Observer for Switzerland.

94. Kyrgyzstan considered that it would be appropriate to hold a United Nations congress on public international law in 1995. If, for any reason, it could not

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(Mr. Chavez, Kyrgyzstan)

be held at Headquarters, the Government of Kyrgyzstan would be prepared to host it in Bishkek, the capital of Kyrgyzstan.

95. The importance of international humanitarian law could not be overemphasized. His delegation believed that the issue should be part of the general programme of studies, so that instruction in international humanitarian law could be provided not only in the institutions specializing in law or political and social science, but in all schools and at all levels.

The meeting rose at 1.20 p.m.